

CASE STUDY – VISITS TO MEMBER STATES

Job **External Evaluation of EMSA**
Customer **EMSA**
Type **Case study report**
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By **Carsten Ellegaard**

1. INTRODUCTION

The present case study is an in-depth investigation into ‘visits to Member States’ to explore the relation between the activities implemented by EMSA and the achievement of the Agency’s objectives.

The case study focuses on a specific area of EMSA’s work to assess in-depth the utility, effectiveness, and efficiency of EMSA’s activities in this area. The case study also explores potential alternative explanations, external and internal drivers influencing the results observed. The analysis is based on the triangulation of different data sources.

Following this introduction, the second section of the case study introduces the policy background of EMSA’s Visits to Member States, outlines the scope of the case study, presents an intervention logic for conducting visits, and lays down the methodology of this case study. The third section presents the findings of the case study organised according to the evaluation criteria: relevance, utility, effectiveness, efficiency, and added value. The last section contains conclusions and recommendations.

2. SCOPE AND METHODOLOGY

The case study focuses on the visits to Member States, how EMSA carries out visits, and how the Member States perceives EMSA and its visits. The focus is mainly EMSA’s monitoring of Member States, and, to a lesser degree, EFTA states in their implementation of directives, and other maritime legislation subject to the Agency’s visit to Member States and EFTA states.

2.1 Policy background

In article 3 of the founding regulation of EMSA, it states, that in order for the Agency to perform the tasks entrusted to it and to assist the Commission on fulfilling its duties under the TFEU¹, and in particular the assessment of the effective implementation of relevant Union law, the Agency shall carry out visits to Member States in accordance with the methodology established by the Administrative Board. The legal basis for the elements, specific to this case study, is primarily:

PSC Directive Implementation: Regulation (EC) No 1406/2002 as amended, Art. 1.2, 2.2 (b), 2.3(d) and 3.

Other EU Maritime Legislation: Regulation (EC) No 1406/2002 as amended, Art. 1.2, 2.2(b) and 3. EMSA provides technical assistance to the Commission when carrying out visits, inspections, and building up capacity for implementation of legal acts in Member States.

PSC Directive Implementation: A first cycle of PSC visits to monitor the functioning of the PSC regime in EU and check compliance with Directive 95/21/EC was carried out between 2004 and

¹ Treaty on the functioning of the European Union

2009. A second cycle of visits to Member States was started by EMSA in March 2012 and was completed in April 2016.²

Other EU Maritime Legislation: EMSA conducts cycles of visits to Member States to assist the Commission and the EFTA Surveillance Authority in their assessment of measures applied by the Member States in achieving a convergent and effective implementation of Union maritime law. Visits are carried out in respect to a number of EU Directives: Directive 2008/106/EC, as amended, on the minimum level of training of seafarers and the sulphur directive cycle where the Agency has conducted 2 visits this year. The Agency has also conducted a visit (for EFTA S.A.) in respect to Directive 97/70/EC setting up a harmonised safety regime for certain categories of fishing vessels. On the **registration of persons sailing on board passenger ships** (Directive 98/41/EC) initiated in 2012 and concluded in 2015, on **Vessel Traffic Monitoring and Information Systems** (Directive 2002/59/EC) in respect of the amendments introduced by Directive 2009/17/EC in 2009, and on **accident investigation** (Directive 2009/18/EC) in 2012. In the years, 2010 to 2014 EMSA conducted visits in relation to Directive 96/98/EC of 20 December 1996 as on **marine equipment** and to Directive 2000/59/EC on **port reception facilities** since 2007³.

Finally, EMSA has begun carrying out **horizontal analyses**, when a cycle of visits or inspections has been completed and even halfway through, should the need for a horizontal analysis arise.

The scope of visits to Member States: Directives and other maritime legislation

The directive (EC) 2009/16 on Port State Control (PSC) is the inspection of foreign ships in national ports to verify that the condition of the ship and its equipment complies with the requirements of international regulations, and that the ship is manned and operated in compliance with these rules.⁴ The purpose of the directive is to reduce substandard shipping under the jurisdiction of Member States by increasing compliance, establishing common criteria, and harmonising procedures.⁵

EMSA's role in respect to PSC is to ensure that inspections are carried out in a harmonised way to ensure equivalent safety standards and to avoid distortion of competition in the EU. At the request of the Commission, the Agency visits Member States' administrations and their ports to verify the implementation of PSC rules and procedures within the European Union.⁶ EMSA is, as the maritime technical body to the Commission, assigned to perform the visits to Member States. EMSA is also tasked to do PSC visits in EFTA countries similar to those of EU Member State countries. The procedure for the visits and EMSA's work are the same. The difference is that the results from the report and any suggestions to any infringement procedure are sent to the EFTA Surveillance Authority instead of the Commission.

In visits to Member States, EMSA can also monitor the implementation of other maritime legislation, for example, recently 'passenger ship safety' has had increased attention since the Concordia accident in Italy. Accident investigations and ISPS (International ship and port facility security code) are additional examples of other areas included in the visits.

The amount of inspections and allocated EMSA resources

Table 1 shows a list of the visits to Member States concerning the PSC directive.⁷ The numbers in parentheses are the total number of visits including other maritime regulations. (In 2011 there are not recorded any PSC visits to Member States.)

² <http://emsa.europa.eu/visits-to-member-states/visits-member-states.html>

³ <http://emsa.europa.eu/visits-to-member-states.html>

⁴ <http://www.imo.org/en/OurWork/MSAS/Pages/PortStateControl.aspx>

⁵ 2009/16/EC art. 1

⁶ Work Programme 2012 p. 22

⁷ Chronological list of visits provided by EMSA (last updated 15-06-2016).

Table 1 Visits to Member States⁸

Year	2010	2011	2012	2013	2015
Number of visits	5 (14)	0 (12)	5 (13)	6 (14)	6 (14)

Both the allocated costs and human resources attributed to EMSA regarding the PSC is in the budget information, spread out over three accounts. One account relates to THETIS, an information system that support the new PSC inspection regime, and will not be included in this case study since it is part of case study 3: 'Maritime Information Service'⁹. The other two accounts are respectively allocated to the implementation of the PSC directive and the visits to Member States.

	PSC Visits	Other Visits
Budget (EUR yearly 2015)	Two accounts: 1,072,936 ¹⁰ + 252,363 ¹¹	1,072,588
Staff	Two accounts: 6+2	7

Description of how visit to Member States is conducted

Preparing the start of the cycle¹²:

- Following a request by the Commission, EMSA shall organise an ad hoc workshop, which the Commission and relevant authorities of Member States will attend. The Commission will present the purpose, scope, and objectives of the visits. All participants can provide information and details. A questionnaire may be sent to the Member States prior to the workshop.

Prior to Member State visits¹³, preparations are made:

- The Commission decides on visits to be conducted
- The Commission performs a conformity check of the legal framework of the individual country.
- The Member State provides EMSA with any relevant amendments to the national and other relevant documents.
- EMSA may send pre-visit questionnaire concerning the focus of the visit and any information not in possession of EMSA.
- As a rule, EMSA should prepare as much as possible, prior to the visit in order to reduce the resources needed for the physical visit.

Implementation and execution of the actual visits consist of:

- EMSA and the Member State should agree on programme in respect of the scope, venues, and timing.
- Visits start with a kick-off meeting concerning the focal points of the Member States maritime administrations. Scoping and matching of objectives and expectations between the parties are important themes on the agenda.
- At the end of each visit, EMSA should hold a closing meeting, where EMSA will provide a preliminary indication of findings.

Post visit feedback and support

- EMSA provides a report on the results of the work undertaken within 90 days.

⁸ AAR 2015

⁹ AAR 2015 p 25

¹⁰ Resources allocated to EMSA's actual visits to Member States

¹¹ Resources attributed to the implementation of the PSC directive

¹² METHODOLOGY FOR VISITS TO MEMBER STATES ADOPTED BY THE EMSA ADMINISTRATIVE BOARD AT ITS 43rd MEETING ON 18 NOVEMBER 2015 p 3

¹³ METHODOLOGY FOR VISITS TO MEMBER STATES ADOPTED BY THE EMSA ADMINISTRATIVE BOARD AT ITS 43rd MEETING ON 18 NOVEMBER 2015 p 4-5

- A draft will be send to the Member State with a request to provide factual corrections within 30 days.
- The final report is send to the Commission and the Member State.
- EMSA and the Commission will be informed about the corrective actions taken by the Member State

Horizontal analysis

- EMSA produces a horizontal analysis report, at the end of each cycle of visits, on main findings and best practice across the various visits to Member States.

2.2 Scope of the case study

The thematic scope of the case study focuses on how the Member States visits contribute to objectives and create value to its main stakeholders, the Commission and Member States.

The case study has a strong emphasis:

- On how EMSAs visits are perceived from a Member State's user-perspective.
- On the feedback/user responses to the new methodology/approach to visits to Member States.
- On the extent to which visits to Member States are still perceived relevant.
- On the extent to which visits to Member States have increased efficiency/effectiveness for Member States.
- On the extent to which 'visits to Member States' has improved dissemination of best practice and knowledge.

See the reference table in the Annex for a full view of case study questions. In the table, the Case study questions are also linked to the overall evaluation questions.

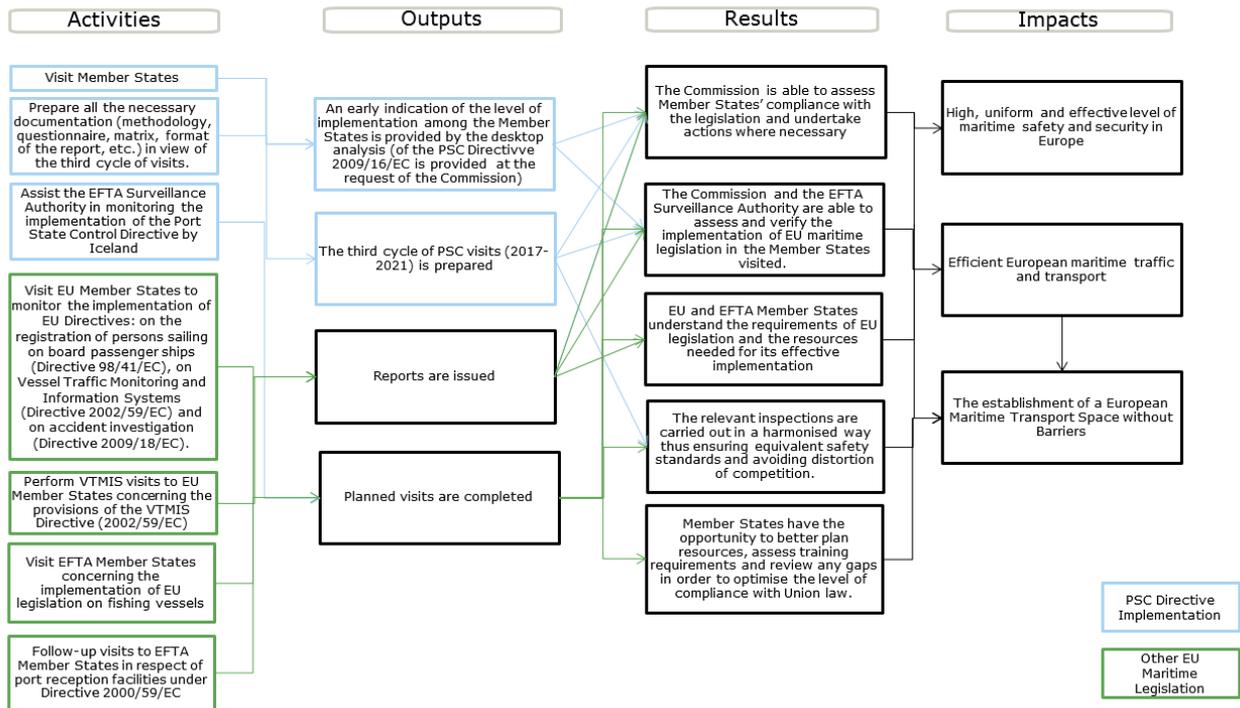
2.3 Intervention logic

The intervention logic below relates to EMSA's activities, outputs, results, and impacts in relation to 'visits to Member States'. An intervention logic is a systematic and reasoned description of the casual links between the Agency's activities, outputs, outcomes, results, and impacts. It helps to understand the objectives of the Agency as a whole, and its specific deliverables.

The case study will follow the structure of the intervention logic when answering questions and formulating the performance stories. However, the case study focuses primarily on EMSA's visits of the Member States in relation PSC, and to a lesser degree other maritime legislation. As explained above, EMSA conducts visits to Member States in order to ensure effective implementation of Union law. The intervention logic, depicted in Figure 1below, presents expected outputs, results, and impacts for the visits to Member States.

Figure 1 Intervention logic of visits to Member States

1. THEORY OF CHANGE: VISITS TO MEMBER STATES

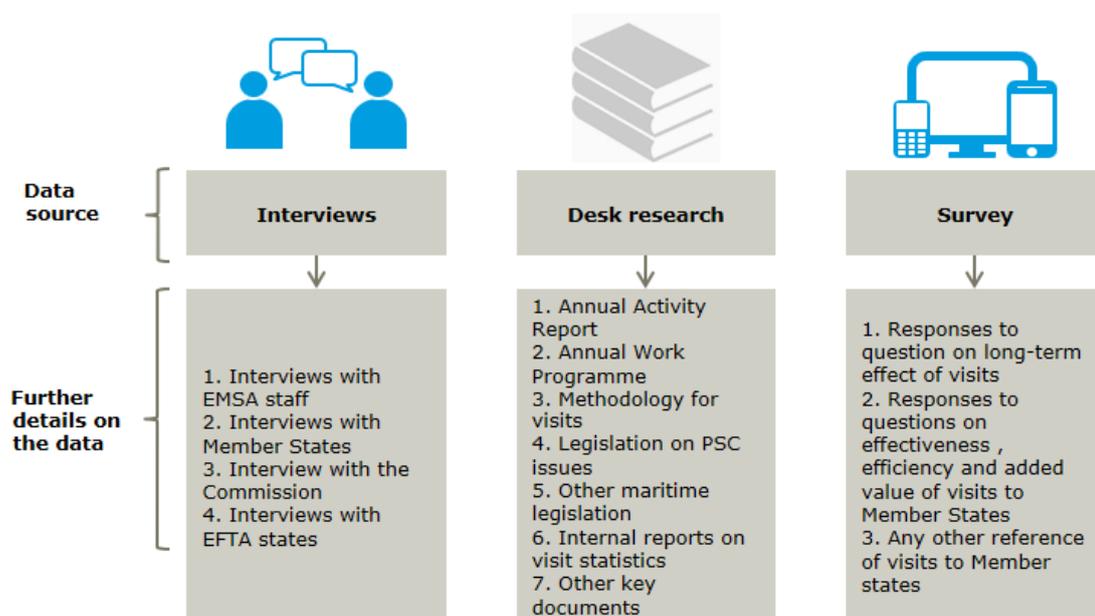


Achieving these outputs will lead to more general results, most importantly the improved application of international and EU maritime legislation by Member States as well as third countries. Member States will be encouraged to increase cooperation and share best practices. Finally, the results will contribute to a high, uniform, and effective level of maritime safety and security in Europe, as well as efficient European maritime traffic and transport.

2.4 Methodology

The methodology and data collection process is illustrated in the Figure 2 below.

Figure 2 Methodology for case study 1 – visits to Member States



The collected data has been triangulated to respond to the case study and evaluation questions. These questions have been developed to cover the evaluation criteria of the external evaluation of EMSA, namely: relevance, utility, effectiveness, efficiency, and added value.

3. FINDINGS

This section presents the findings of the case study on EMSA's visits to Member States regarding port State control and other EU maritime legislation. It is structured according to the evaluation criteria.

3.1 Relevance

3.1.1 To what extent have the visits conducted by EMSA fulfilled the legal requirements of the Agency?

Overall, the findings from the case study underline the continued relevance of the visits to Member States.

The review of 'EMSA's visits to Member States' shows that the Agency has developed an approach and methodology required to fulfil the relevant legal requirements.

As far as EMSA's legal basis is concerned, there are provisions regarding the elements concerning EMSA's visits to Member States in the EMSA Founding Regulation¹⁴.

Regulation (EC) No 1406/2002

EMSA has been tasked with assisting the Commission in its role of monitoring and verifying the proper implementation and application of Union law, in particular by carrying out visits to the Member States as provided by Article 3. Article 3.1 states that:

"EMSA will conduct visits to Member States to assist the Commission in its task of the assessment of the effective implementation of the European law on the basis of the methodology established by the Administrative Board".

The Commission is responsible for deciding what visits EMSA should undertake and their scope, as part of its role in ensuring that the obligations of the Treaty on the European Union are met, in particular:

Article 4(3):

"the Member States shall take any appropriate measure, general or particular, to ensure fulfilment of the obligations arising out of the Treaties or resulting from the acts of the institutions of the Union."

Article 17:

"the European Commission shall ensure the application of the Treaties, and of measures adopted by the institutions pursuant to them."

The visits to Member States are carried out in accordance with 'methodology for visits to member states' adopted by the EMSA administrative board, 2015. The methodology describes and operationalises how visits are organised in cycles on behalf of wishes from the Commission. The methodology is detailed in how the visits should be conducted in all phases.

¹⁴ Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency

3.1.2 To what extent have the visits matched the needs of EMSA's stakeholders?

Visits to Member States are perceived as relevant by all stakeholders. The case study shows that the tasks EMSA are undertaking, regarding the visits to Member States, are highly relevant to the maritime safety and security in Europe.

In a survey conducted by Ramboll, it is revealed that EMSA's stakeholders in general feel that EMSA meet their needs in relation to the activities of implementation of the PSC Directive. Concerning the general satisfaction in relation to the needs, it can be deduced that EMSA's activities in the PSC area are highly relevant.

In continuation of the survey, interviews of relevant stakeholders revealed that EMSA's activities corresponds to the stakeholders' needs by establishing a common ground and base, where the standards of maritime safety and security derive from.

Interview respondents generally assess EMSA's role and way of conducting visits to Member States as relevant in relation to the overall objectives of EMSA. There is an acceptance of the need for EMSA's visits to ensure a harmonised implementation of EU maritime directives across very different Member States with different traditions, competences, and resources. EMSA plays an important role in monitoring and supporting maritime authorities for Member States and EFTA countries regardless of their different needs and challenges on the maritime safety and security field. Some Member States have a very high respect and acknowledgement of the performance and competences of EMSA, and other Member States find that EMSA is just on par with the Member States competences. Overall, 'the visits to Member States' offers a good platform for communication and in-depth dialogue between experts from EMSA and the maritime authorities in Member States. In cases of serious non-conformities, EMSA will play the role of policemen and document the issues and report it to the Commission. Member States are somewhat confused about the dual role of EMSA to serve both the role of facilitation partner of best practice and that of policeman/watchdog for the Commission. However, Member States appreciate that EMSA has gradually moved towards a more holistic and nuanced approach, where the focus is on the achievement of overall purpose and goals of maritime safety, instead of rigid interpretation of procedures and standards.

3.1.3 To what extent are there needs and challenges that are not addressed by the EMSA regulation as amended 2013? Should these be incorporated by the Agency's mandate and tasks?

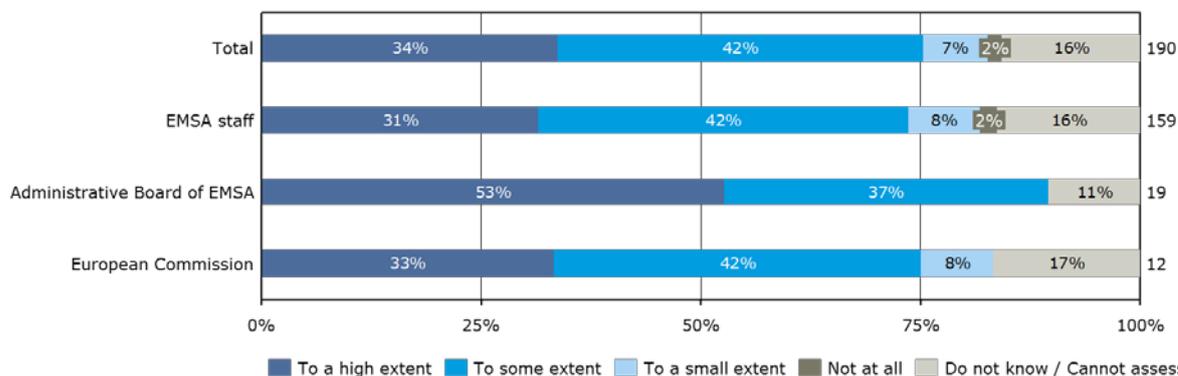
New challenges and needs for EMSA's visits. The Maritime safety agenda has been a major transformation for the maritime industry, and the main policy agenda for EMSA the last decades. The PSC has been high on the agenda for some time and reached a consistent high level. Visits to Member States on PSC will continue to be relevant, but other 'new focus areas' will probably be pushing for more focus. Within the maritime safety area, Passenger ship safety is one of the areas, which in the aftermath of the Concordia accident in 2012 have experienced and probably will have a continuous strong focus for EMSA's visits to Member States.

In addition, the maritime sector has slowly begun a new important transformation phase, namely the implementation of a range of environmental maritime legislation, for example legislation on reduction of NOx, SOx, Ballastwater, scrapping, and other environmental areas. In the future, it is quite likely EMSA will have to expand its role in relation to its monitoring activities, including the visits to Member States. A range of environmental maritime legislation will need to be implemented in the coming years and EMSA would seem to be the natural choice for ensuring efficient enforcement of the new environmental maritime legislation in the union.

With the introduction of a range of environmental legislation it is quite possible that EMSA will need to take on new tasks within monitoring and facilitating through visits to Member States.

EMSA and the Commission should be more ambitious about their tasks, and they should prioritise their tasks to the most essential tasks. Some consensus is sensed in, that EMSA should move away from the human resource heavy.

Figure 3 In your opinion, to what extent are emerging challenges and needs of the European maritime sector well addressed by the tasks set for EMSA in its Founding Regulation?



As the Figure 3 above indicates, a minor part of EMSA's stakeholders are indicating that the Founding Regulation are addressing the emerging needs.

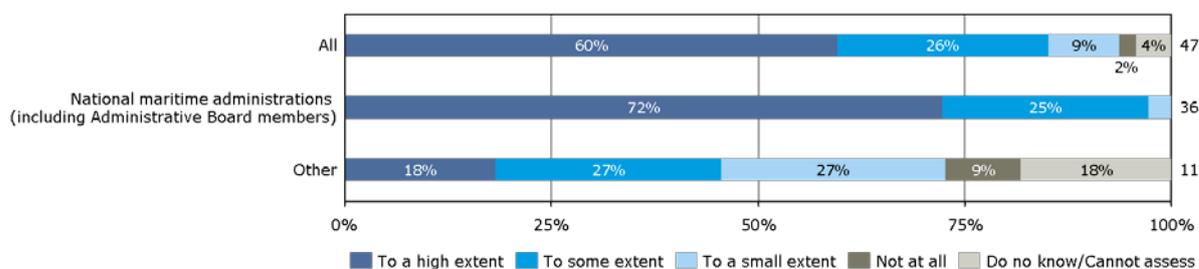
3.2 Utility

3.2.1 To what extent are EMSA's stakeholders satisfied with EMSA's visits?

There is a general satisfaction with the work conducted by EMSA. It is the impression from the stakeholders from the maritime administrations in both EU Member States and EFTA States that EMSA does indeed ensure a higher compliance on the grounds of their expertise and knowledge gained from previous visits and an overall knowledge of the PSC and other maritime legislation. However, despite general positive assessment by Member States some suggestions for improvements are made in the following.

The Commission is highly positive of the work done by EMSA and have no negative remarks on the work done by EMSA.

Figure 4 In your opinion, to what extent do the following EMSA activities/services meet your/your organisation's needs? - Implementation of the PSC Directive (visits to Member States)



3.2.2 To what extent EMSA's stakeholders find that the outputs and results of the visits produced by EMSA match their needs?

EMSA is perceived as competent experts in their field but sometimes lose sight of the overall purpose. No doubt, EMSA's visits to Member States brings a tremendous knowledge and experience on the relevant legislation. This can be a very positive thing in improving compliance to the relevant regulation. However, some Member States have uttered that EMSA, in its approach, focuses too much on procedures instead of the intended functionality or purpose of the legislation. The Member States would like EMSA to focus more on the actual implementation and execution of maritime safety and security systems and how they work, when EMSA conduct visits in the Member States.

EMSA a collaborative partner or Commission's watchdog. Member States have various perceptions of EMSA. Some Member States accept and respect that EMSA's role, on behalf of the Commission to monitor implementation, is carried out in a certain way. Other Member States find

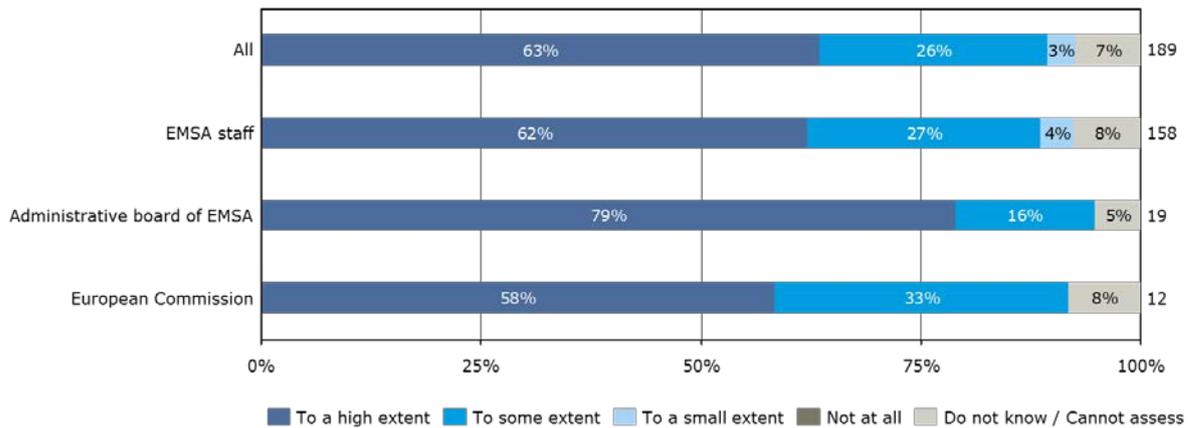
it a bit artificial and counterproductive when EMSA act as an authority and would prefer a more equal collaborative dialogue with respect to special national rules, interests, systems, and interpretations. Member States argue that EMSA should have a more holistic focus on the production of high maritime safety standards instead rigid following of detailed procedures.

3.3 Effectiveness

3.3.1 To what extent have EMSA's activities produced the planned/desired outputs?

Satisfaction is high in regard to EMSA as an organisation and its implementation of visits. Member States have overall expressed satisfaction with EMSA's work in monitoring Member States' implementation of the PSC directive. EMSA's visits are characterised as very thorough, professional and well-planned. This case study shows, that EMSA's tasks are completed within the scheduled time and are perceived to be work of very high quality. EMSA is very well prepared prior to the visits, and the findings are well founded. One stakeholder, with affiliations of the Commission, stated that EMSA does quality work with a high rate of effectiveness. The stakeholder states that EMSA is very quick to deliver information to the Commission when it is needed.

Figure 5 In your opinion, to what extent are tasks carried out by EMSA completed on time?



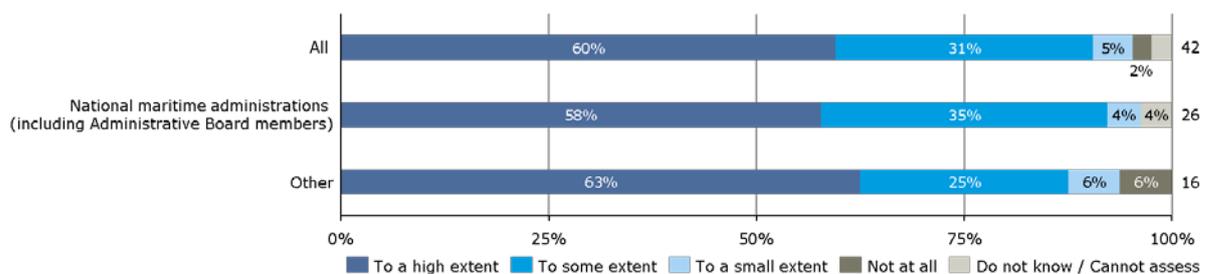
As the survey above indicates, EMSA's stakeholders generally assess that EMSA's tasks are completed on time. In the conducted interviews the stakeholders emphasised that the time scheduled for visits to Member States are too long. They would prefer if less time were scheduled for the visits.

3.3.2 To what extent have the visits contributed to improved standards, rules, and implementation of international/EU maritime legislation by the EC and MS, including improved application of EU legislation by the MS and increased cooperation and sharing of best practices between MS?

The stakeholders overall perceives EMSA as effective. EMSA's presence and visits to Member States has over the years contributed to improved level of maritime safety and security in Europe. Especially EMSA's monitoring of the Member States' implementation of the PSC directive ensures a harmonised level of implementation which in turn contributes to a high level of maritime safety and security in Europe.

As the Figure 6 below shows, EMSA's stakeholders concedes that EMSA's activities, in the area of PSC, are contributing to the maritime safety and security. The diagram also shows that EMSA's activities in the PSC area contribute to an improved application of the legislation. This is a contrast to the previous statement that EMSA should become more holistic and functional in its approach to monitor the application of maritime legislation. On the other hand, it should be said, that this case study reveals that the stakeholders, which have higher demands for EMSA's visits, are the most capable stakeholders and maritime administrations. In general, there is a consensus that EMSA's visits are improving the application of legislation.

Figure 6 In your opinion, to what extent have EMSA's activities in the area of Port State Control (support to the PSC system in line with the PSC Directive) contributed to - improved application of international/EU maritime legislation by the Commission and the Member States



A collegial open attitude to EMSA's 'visits to Member States'. Some Member States find the effectiveness to be very high, mainly because the interaction between Member States and EMSA is characterised by a collegial open attitude, where equal maritime technicians with similar background from both EMSA and national maritime officials, meet with a mutual understanding of each other's challenges and problems. Some stakeholders only experience a mutual understanding from personal acquaintances in the maritime profession, here EMSA is said to broaden the range personal connections across Europe. These Member States feel they can openly discuss issues of concern with EMSA and receive good guidance on how to improve maritime safety standards, as opposed to a discussion with the Commission who can issue corrective actions.

A more purpose driven approach is suggested. A few negative views addressed are that EMSA is too focused on legislation and procedures, and less towards the actual risks and capabilities to execute maritime safety measures. An example is that, EMSA during a visit is examining manuals and check lists, instead of conferring with the maritime personnel about the actual, functional implementation could be inadequate. Another critique is that minor issues of little or no meaning to maritime safety are listed next to very serious non-conformities. An example of this is when a ship has sealed a locker and is given a non-conformity, because it is not literally locked with a lock but a strip. In continuation, the stakeholders suggest to make a more differentiated categorisation of findings. It is argued that the categorisation of findings could give a more accurate picture of the Member States' performances. It is further believed, that a better categorisation could lead to a better benchmarking between Member States.

Visits could also be improved and achieve higher results through a more open user centric approach and Member States taking the responsibility to voice their needs. There is, among the Member States, a request to organise a forum of focal points from the Member States representatives to EMSA, where discussion between the Member States and EMSA can take place. The idea has surfaced because of a need to better share best practices

between Member States and provide an opportunity to benchmark oneself against the others. Any confidentiality issues will of course have to be dealt with.

This should also create a better opportunity for Member States to be able to influence the agenda of the visit agenda, so their challenges and needs as individual Member States that define them is part of the visit agenda. It should be communicated well in advance to EMSA to make preparations possible.

The stakeholders suggest that EMSA takes a leading role in the user-centric approach to Member States. Member States will in return need to take a more proactive role and voice their needs and challenges more clearly than today. A forum of focal points could potentially give EMSA some valuable input from Member States and ensure that EMSA's reports, data, and analysis are better disseminated to Member States authorities.

Horizontal analysis and tailor-made reports could improve the identification and dissemination of best practice. EMSA communicates well through detailed long reports, primarily bilateral from EMSA/the Commission to Member States. Member States would like to learn more from other Member States and EMSA's focus on horizontal analysis is something Member States are welcoming. Both EMSA and individual Member States should work on how to create focal points so that information and best practice from EMSA find their way to the right recipients in Member States effectively. It was also suggested by Member States that short to the point reports (two-sliders) instead of long reports would stand a better chance of being read during a busy working day.

To further ensure a high, uniform, and effective level of maritime safety and security, EMSA has developed a new methodology for its visits. It makes among other things a risk-based approach possible by using the information system THETIS, which enables EMSA to identify risk patterns and profiles to ships, areas, and countries¹⁵. However, the possibility of applying the risk-based approach for the selection of Member States visits has been widely debated but not fully applied, since the new methodology also put emphasis on equal treatment of all Member States in relation to the Member States visits.

The new methodology, adopted in respect to the visits to Member States, aims to maximise the value that the visits offer the Member States. First, the new methodology provides each state with individual feedback on how to best implement the law (same as always). Second, the new methodology provides horizontal findings, which serve to identify best practices concerning cost-efficiency and effectiveness (new element).

3.3.3 To what extent have the organisation and internal processes of the Agency been effective and conducive in performing the tasks?

Satisfaction is high in regard to the organisation of visits. Member States have overall expressed satisfaction with EMSA's work in monitoring Member States' implementation of the PSC directive. EMSA's visits are characterised as very thorough, professional, and well-planned. In EMSA's general methodology of visits to Member States, EMSA strives to spend as little time as possible on site, and thereby bothering the maritime administrations the least possible. This can be viewed as a trade-off when EMSA extensively requires reports and desk research prior to the visits. Requests which seize the stakeholders' time. Positively, some stakeholders reveal that EMSA's request forces them to go through their own procedures and protocols.

Effective working relationships are in place between EMSA and the Commission. There seems to exist an efficient separation of roles between EMSA and Commission in that EMSA take on the role as technical advisor and supervisor with technical insights, meeting Member States on a more equal collegial footing for a constructive dialogue on how to solve issues. The Commission, on the other hand, is by the stakeholders experienced as the legislative body, proposing corrective action and in charge of infringement procedures. In the view of the Member

¹⁵ <http://www.emsa.europa.eu/implementation-tasks/port-state-control/292-arrival-reporting-obligations/510-thetis-nir-brochure.html>

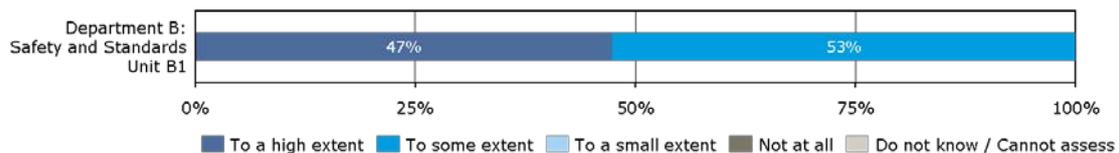
States, the Commission and EMSA are portrayed as somewhat playing the role of good cop versus bad cop. This can be an efficient working relationship and division of labour between Commission and EMSA, because it provides the Member States with the opportunity to get information and feedback more informally from EMSA prior to the involvement of the Commission. However, as indicated elsewhere in the case study, the uncertainty of what role EMSA is playing can contribute to some confusion for Member States.

In this case study, the Commission, as a stakeholder of EMSA, has expressed its interaction with EMSA as very satisfactory. In one interview, a stakeholder expresses on a satisfactory account that EMSA is able to provide the information needed for to the work of the Commission, and that EMSA's work and technical insight are vital to the any infringement procedure and legislative action.

EMSA's challenges attracting and retaining qualified inspectors could damage effectiveness.

EMSA officials have expressed concerns related to the approximately 2 years of training of inspectors before they are fully ready to become an inspector. This causes problems when personnel do not stay with EMSA for long, and the number of legislations to be monitored is expecting to be increasing in the future. Furthermore, EMSA has difficulties attracting and retaining qualified inspectors. One example is that a stakeholder from Northern Europe comments that EMSA cannot offer an attractive wage, which is why a low number of Northern Europeans are working in EMSA.

Figure 7 Question to EMSA staff: "In your opinion, to what extent does your department or work area have sufficient resources and competencies to complete tasks on time and meet expectations in terms of quality?"



As the figure above shows, the survey reveals that EMSA has sufficient resources in order to complete its tasks. Therefore, the diagram does not fully support the view of the EMSA stakeholders who are submitting the opinion, that EMSA is understaffed.

3.4 Efficiency

3.4.1 To what extent have the Agency's outputs and results been produced at a reasonable cost, in terms of human and financial resources deployed?

Visits to Member States have a small to moderate efficiency potential. It has nothing to do with how EMSA carries out the visits. EMSA is quite efficient in many ways when carrying out visits to Member States - the approach and methodology applied during visits to Member States by EMSA is well structured and streamlined, and they are aware of not to waste time and resources for Member States. All in all, EMSA comes across as very professional and the visits to Member States take Member States' resources and timing into consideration. One example is a stakeholder from a national maritime administration, who states that EMSA's inspections are formally noticed 3 months in advance and informally noticed 6 months in advance of the actual visit. This provides the Member States with the opportunity to allocate resources to gather the relevant documents and gain attention of the actual visit. EMSA tries to adopt and accommodate to the rime schedules of the Member States to have the visit at a time where it adds most value or does not conflict with other important tasks.

The actual task 'visits to Member States' is in its essence an additional resource demanding control system of the Member States' implementation of maritime safety and security measures. There is little efficiency potential, compared to other EMSA activities, such as for example 'inspections of ROs' and 'STCW inspections in third countries', where EMSA's directly saves Member States' resources by doing a task for them. This case study, therefore, do not assess

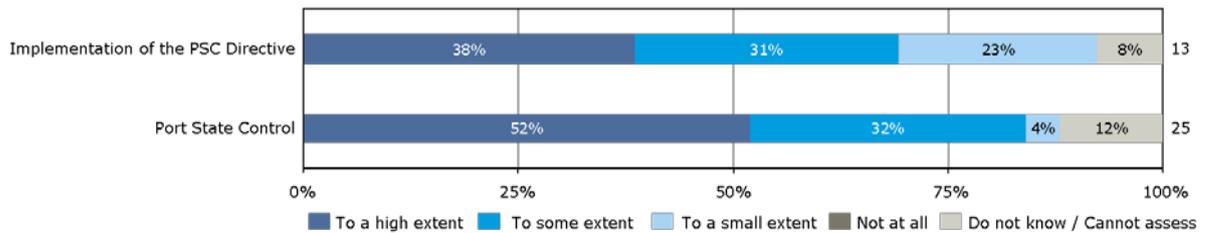
that Member States have significantly reduced costs for administrations at national level because of the visits. Some Member States may have experienced a small to moderate efficiency gain from EMSA's guidance during visits to and through horizontal analysis initiatives by EMSA producing improved results at similar costs

3.5 Added value

3.5.1 To what extent would the same results be more/less likely to happen without the existence of EMSA?

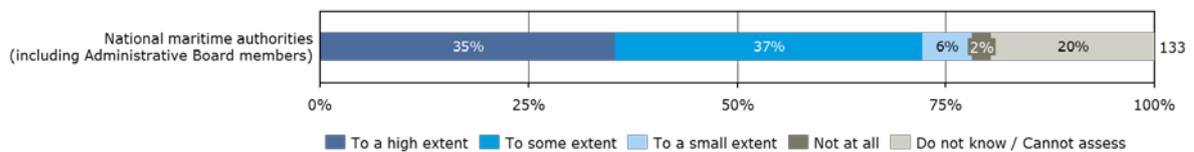
EMSA's existence, and, in this case, the visits to Member States, have contributed significantly to a European harmonised implementation of PSC and other maritime legislation. For some Member States the added value has been very significant and for others who already had high standards less so. Overall across Europe, all Member States and the shipping industry have benefitted from transparent harmonious regulation and a more efficient level playing field for competition and business environment. EMSA is an integral reason for this development, and it could not have happened without the existence of EMSA.

Figure 8 In your opinion, to what extent are the following areas of EMSA's work providing high value for money?



The stakeholders' opinions of EMSA's inspection as adding value to the Member States' maritime administration are supported by Figure 8 above, where the survey reveals the existence of some consensus of EMSA as adding value.

Figure 9: "In your opinion, to what extent does EMSA's work produce similar results at lower costs compared to a situation where the work was performed at national level?"¹⁶



As the figure above shows, EMSA's stakeholders supports the statement that EMSA's work is providing value for money. The Figure 9 above shows that EMSA's stakeholders are of the opinion that EMSA's tasks to some extent could be performed at a national level at similar costs. The survey can be said to support that EMSA's work adds value to its stakeholders in a way that would be difficult nationally.

4. CONCLUSIONS AND RECOMMENDATIONS

The level of maritime safety and security in Europe is significantly higher today than it was a few of decades ago, or when EMSA was established in 2002. EMSA is not the only contributor to this, but EMSA has played an important role in ensuring a high uniform implementation of the PSC directive and other maritime regulation across the Union. Overall, EMSA's visits to Member States are a good platform for dialogue and it contributes in making the European maritime community more coherent. However, there is always room for improvement, and in interviews especially

¹⁶ This question was asked to members of EMSA's Administrative Board and to national maritime authorities.

Member States have raised some issues where EMSA's visits can be improved or be more valuable to them:

4.1 What actions could be taken to improve the Agency's effectiveness, efficiency and/or added value

1. **Horizontal analysis will add value** – EMSA has begun producing horizontal analysis elements, but it is still a fairly new activity that most of the Member States would like to see more of. It could be argued that the horizontal approach demands different competences and skills from EMSA in terms of generating and communicating broad knowledge from a horizontal perspective. We therefore recommend that EMSA take into consideration supporting the staff with other less technical profiles e.g. Social science, statisticians etc. being part of the team undertaking horizontal analysis, as they would tend to be more holistic and horizontal in their methodological approach. EMSA has recently taken steps in this direction, and it would seem EMSA is ready to prioritize and incorporate this approach.
2. **Member States shall be proactive in approaching EMSA in regards to visits to Member States** – Today the initiative/communication is mostly one way, from EMSA to Member States. This is fine, in case the Commission wants EMSA to look at something specific, but it is probably not the best value adding approach for Member States. Member States also need to take a responsibility in making the visits to Member States as valuable as possible. This can probably be done in many ways. One way is for Member States to communicate well in advance to EMSA where they have got challenges and issues they would like to suggest discussed during the visit. We are not suggesting that Member States can decide the entire program for the Member States visits, but that they perhaps could have a strong influence on one 1-day agenda. EMSA already has two activities: 1. pre-cycle workshops and 2. pre-visits questionnaires to plan and focus visits to Member States. However, Member States do not feel these activities give optimal opportunity for their active involvement. Member States find these activities to be a little too narrow focusing on the EMSA/Commission way and have little flexibility in other ways like open questioning and experiences of implementation. Another possibility is that Member States are afraid to be frank and open about their challenges and needs, because they feel it can be politically disadvantageous. This case is an example of the problematic role of EMSA where Member States are not quite sure what role EMSA is playing – Commission watchdog or technical advisor?
3. **A forum of Member States representatives to generate focal points to national maritime administrations and vice versa.** Member State's maritime authorities acknowledge the expertise, data, and knowledge in EMSA, but they often do not feel they gain the optimal value of the work done by EMSA. Some parts of the work from EMSA never reach the national maritime experts who can gain knowledge from EMSA. There can be various reasons. It can be, they never heard of the report, they cannot find the report, and they do not feel reports are tailor made for their needs. They also complain about lengthy reports where it can be difficult to find exactly what they are looking for, or time simply do not have time/prioritised time to find and read it. We suggest every maritime authority designate focal points to EMSA. The national focal points should be aligned with the management level in Admin Board but have a more practical purpose. The focal points should have a dual purpose/task:
 - a. Create a voice of the agendas of need to the Member States so EMSA can target issues of most value to Member States
 - b. The national focal point in national maritime authorities should take an active responsibility in channelling knowledge and best practice efficiently from EMSA all the way to the right maritime experts in the Member States
4. **New tasks for EMSA in the future and challenges with resources.** With the introduction of a range of environmental legislation, it is quite possible that EMSA will need to take on new tasks within monitoring and facilitating through visits to Member

States. This will render EMSA even more relevant in the future, and it will quite possibly demand more resources in EMSA, especially in the area of visits and inspections. EMSA already finds it difficult to recruit the right inspection experts, and find they must spend an increasingly amount of resources and time educating and developing their staff before they are fully ready for their job. One of EMSA's largest problems for EMSA with regard to the activities for visits to Member States is the fact that it takes approximately two years to train personnel for the job combined the challenges of attracting and maintaining personnel.

5. ANNEX

Correspondence table case study 1

EQ	Descriptor	Case study section / question
1	1.1 Extent to which EMSA has fulfilled its mandate and tasks as set out in the Regulation.	3.1.1 To what extent have the visits conducted by EMSA fulfilled the legal requirements of the Agency?
	1.2 Extent to which the objectives and tasks set out in the Regulation have matched the needs of stakeholders in the field of European maritime safety.	3.1.2 To what extent have the visits matched the needs of EMSA's stakeholders?
2	2.1 Extent to which the evaluation identified needs and challenges (current or future) that are neither addressed by the EMSA Regulation, as amended in 2013, nor by the recent amendments under implementation (<i>assessment of EQ 1</i>)	3.1.3 To what extent are there needs and challenges that are not addressed by the EMSA regulation as amended 2013? Should these be incorporated by the Agency's mandate and tasks?
4	4.1 Extent to which EMSA's activities have produced the planned/desired outputs	3.3.1 To what extent have EMSA's activities produced the planned/desired outputs?
	4.3 Extent to which the outputs produced have contributed to... improved application of international/EU maritime legislation by the EC and MS increased cooperation and sharing of best practices between MS	3.3.2 To what extent have the visits contributed to improved standards, rules, and implementation of international/EU maritime legislation by the EC and MS, including improved application of EU legislation by the MS and increased cooperation and sharing of best practices between MS?
7	7.1 Extent to which tasks are completed on time and meet expectations in terms of quality	3.3.3 To what extent have the organisation and internal processes of the Agency been effective and conducive in performing the tasks?
	7.2 Extent to which EMSA staff find that they have sufficient resources and appropriate processes in place	
10	10.1 Extent to which EMSA's stakeholders say that they are satisfied with EMSA's work	3.2.1 To what extent are EMSA's stakeholders satisfied with EMSA's visits?
	10.2 Extent to which EMSA's stakeholders find that the outputs and results produced by the Agency match their needs	3.2.2 To what extent EMSA's stakeholders find that the outputs and results of the visits produced by EMSA match their needs?
11	11. To what extent have the Agency's outputs and results been produced at a reasonable cost, in terms of human and financial resources deployed?	3.4.1 To what extent have the Agency's outputs and results been produced at a reasonable cost, in terms of human and financial resources deployed?
15	15.2 Extent to which stakeholders agree that the same results could not have been achieved without the existence of a dedicated EU agency	3.5.1 To what extent would the same results be more/less likely to happen without the existence of EMSA?

List of references:

- Directive 96/98/EC
- Directive 97/70/EC
- Directive 98/41/EC
- Directive 2000/59/EC
- Directive 2002/59/EC
- Directive 2008/106/EC
- Directive 2009/16/EC
- Directive 2009/17/EC

- Directive 2009/18/EC
- Regulation (EC) No 1406/2002
- Work Programme 2012
- Chronological list of visits provided by EMSA (last updated 15-06-2016).
- Annual Activity Report 2015
- METHODOLOGY FOR VISITS TO MEMBER STATES ADOPTED BY THE EMSA ADMINISTRATIVE BOARD AT ITS 43rd MEETING ON 18 NOVEMBER 2015
- <http://www.emsa.europa.eu/implementation-tasks/port-state-control/292-arrival-reporting-obligations/510-thetis-nir-brochure.html>
- <http://emsa.europa.eu/visits-to-member-states/visits-member-states.html>
- <http://emsa.europa.eu/visits-to-member-states.html>
- <http://www.imo.org/en/OurWork/MSAS/Pages/PortStateControl.aspx>

List of interviewees:

Name	Organisation	Type of stakeholder	Date of interview	Contact details
Mario Mifsud	EMSA	Task Manager	06-10-2016	Mario.mifsud@emsa.europa.eu , +351 21 12 09 287
John Burke	DG MOVE – Unit 2	European Commission	13-10-2016	John.burke@ec.europa.eu +32 2 29 94082
Primož Bajec	Slovenian Maritime Administration	Member State	13-10-2016	Primoz.bajec1@gov.si +386 5 6632 112
Pernille Palmelund Sørensen	Danish Maritime Authority	Member State	21-10-2016	pps@dma.dk
Torsten Arnt Olsen	Danish Maritime Authority	Member State	21-10-2016	tol@dma.dk
Luigi Giardino	Italian Coast Guard	Member State	25-10-2016	Luigi.giardino@mit.gov.it +390659083261
Martin John	Danish Maritime Authority	Member State	31-10-2016	mjo@dma.dk
Helga Jónsdóttir	Ministry for the Environment and Natural Resources	EFTA State	09-11-2016	+354-545-8600 helga.jonsdottir@uar.is
Aleksi Uttala	Finnish Transport Safety Agency	Member State	15-11-2016	+358408299814 Aleksi.uttala@trafi.fi
Geir Þór Geirsson	Icelandic Transport Authority	EFTA State	18-11-2016	+354-4806164 geirg@samgongustofa.is